TAE FISHERIES QUESTION

SECRETARY BAVARD'S LETTER TRANSMITTED

To Congress Torough the President, Suggesting Remedial Legislation.

CORRESPONDENCE WITH GREAT dintion by the Imperia Government of Great Britain, and to be intended to BRICAIN

Belative to the Rights of American Fishermen lu British North America.

Washington, December 8,-The following is the President's letter transmitting to Congress the communica-tion of the Secretary of State and correspondence relating to the fisheries:

EXECUTIVE MANSION, WASHINGTON, December S. 1826. To the Senate and House of Representatives: I transmit herewith a list or from the Secretary of Siate, which is accompanied by the correspondence in relation to the rights of American fishermen in the British North American waters, and commend to your favora-ble consideration the suggestion that a commission be author and by law to take perpetuating proofs of the losses during the past year by American fishermen, owing to the unfriendly and unwarranted treatment by the local authorities of the mari-time provinces of the Dominion of Canada. I may have occasion hereafter to make further recommendations during the present session for such remedial legislation as may be necessary for the protection of the rights of our citizens engaged in the open sea fisheries in the North Atlantic waters. GROVER CLEVELAND.

MR. BATARD'S LETTER IS AS FOLLOWS:

DEPARTMENT OF STATE,

WASHINGTON, Dec.mber 8, 1886.;

To the President:

The Secretary of State has the honor to submit to the President, with a view to its communication to Conview to its communication to the gress, the correspondence relative to the fisheries in the waters adjacent to British North America, which has to British North America, which has to British North America, which has the results of excluding American vessels possessed of permits from their sels possessed permits from the permits from their sels possessed permits from the permits from their sels possessed permits from the permits f taken place during the present year. It will disclose the action of this deartment and of our Missister to Great Britain in relation to the disputed construction of the convention of 1818, and what has been done to pro-cure such an interpr. tation of its provisions as will be acceptable to b th parties to that instrument and conistent with their mutual interests and honor. From time to time, since the conclusion of the treaty of 1818, differences have arisen between the two governments as to the extent of the renunciation by the United States of their former fishing rights in the lit-toral waters of British North Ame ica, and the true definition of the rights
and privileges reteined by and expressly guaranteed to the United
States in the first article of that convention. The history of this question, during the period from 1818 to the present time, has been one of unsuccessful attempts to adjust claims, and respective occasionally the difficulties have been

bridg d over by temporary arrange-ments, notably by the treaty of Wash-ington of June 5, 1854, and the treaty of Washington of May 8, 1871, the fishery articles of the latter both of the of Washington of May 8, 1871, the fishery articles of the latter both of the latter having been abrogated by the United States on June 30, 1885. It is deeply to be regretted that the efforts of this department to arrive at such an agreement as would permit instructions of like tenor to be free from the grave apprehensions which otherwise I am unable to dismiss. It would be most unfortunate, and, I cannot refrain from saying, most unworthy, if the two nations who contracted the treaty of 1818 should permit any questions of mutual right and duty tions of like tenor to be issued by the Government of Great Britain and the United States, to guide the citizens of the respective nationalities in the unmolested exercise of their rights of fishing in the waters in question, and defending the limits of lawful action therein, have not as yet reached a final and satis/actory result. Although propositions are now pending for con-sideration, which it is hoped may prove the basis of a just and permanent settlement, yet as supplementary te the published history of this long standing subject as illustrating the obvious necessity in the interest of amity and good neighborhood, of hav-

ing a clear and well defined understanding of the relative rights of the two governments their respective cit zens, it is considered expedient that Congress should have full knowledge of the action of the Executive in the premises to assist them in their deliberations upon this important subject. It will be observed in the course of this correspondence that notification has not failed to be duly given to the Govern-ment of Great Britain, that compensa-tion is expected for the loss and damage caused to American fishermen by the unwarrantable action of the local authorities of the Dominion of Canada, not merely by the summary seiz ire of their vessels and the exaction of heavy advance of hearing and judgment, but for the curtailment of privileges to which they were justly en-titled under commercial regulations, as well as treaty stipulations; and the consequent interference with their legitimate voyages, whereby the natural profits of their industry were seriously diminished and in many cases wholly

It would seem proper that steps in perpetum rei memoram abould be taken by Congress to allow proofs to be made and placed upon record of these losses and injuries to our citi-sens, to enable them to be properly presented to Her Majesty's govern-ment for settlement, and that for this purpose a commission should be authorised by Congress to take the necessary proofs of the respective claimants, Respectfully submitted, T. F. BAYARD.

The correspondence opens with a dispa ch of date March 19, 1886, from Sir Lionel S. Sackville West, the British Minister, to Secretary Bayard, transmitting a request of Earl Rose-bery to be informed whether it is the intention of the United States Government to give notice to the United States fishermen that they are now precluded from fishing in British North American territorial waters, as Her Majesty's government are now considering the expediency of issuing a reciprocal notice with regard to British fishermen in American waters.
To the communication Secretary Bayard replied under date of March 23d:
"That the fishing question is now understood to rest on existing treaties, precisely as though no fishing articles the treaty. My conviction strengthens as to the importance of having a stop had been incorporated in the treaty of put at once to vexatious interpre tations and action by local authorities, which can only hinder an amicable accord, and I have asked that these

He adds: "In view of the endurnature and important extent of he rights secured to American fishermen in British North American of ritorial waters under the provision of the treaty of 1818 to take fish within question. It surely cannot be the purpose of the Provincial surhorities to pose of the Provincial surhorities to coasts, and to dry and cure fish there under certain conditions, this govern-ment has not found it necessary to notify fishermen that they are now preduded from fishing in British North Under date of Washington, May 10, tinued, as it American territorial waters."

1886, See etary Bayard wrote a long letter to Minister West concerning the seizure of the American schoener Joseph Story and schooner David J. Adams. After pointing out the illegality of the seizures, the Secretary The seizure of the vessels I have mentioned, and certain published 'warnings' purporting to have been issued by the colonial authorities, would appear to have been made

5-hary within the three mile limit,

the right to which remained unques-

tion d and unimpaired for the enjoy-

ment of the citizens of the United States, but further to diminish and

practically to destroy the privileges

expressly secured to American fishing

expressly secured to American Baning vessels to visit these inshore waters for the objec's of shelter, repair of damages, and purchasing wood and obtaining water."

'As it is admitted that the deep sea

fishing was not under consideration in

the negotiation of the treaty of 1818, nor was affected thereby, and as the use of bait for inshore tishing has

pose of catching other fish, no longer exists. * * As, therefore, there is no longer any inducement for American fishermen to 'dry and cure' fish on the interdicted coasts of Canadian Bosins.

nadian Provinces, and as bait is no longer used or needed by them (for the prosecution of inshore fishing) in

order to take fish in the inchore waters to which the treaty of 1818

Canadian ports, as well as to engage in deep sea fishing, from exercising free-

ly the same customary and reasonable rights and privileges of trade in the

ports of the British colonies as are

freely allowed to British vestels in all

have been led to offer these consid-

erations by the recent seizures of American vessels to which I have ad-

verted, and by indications of a local spirit of interpretation in the Prov-

inces affecting friendly intercourse,

which is, I firmly believe, not war-rauted by the terms of the stipula-

tions on which it professes to rest. It is not my purpose to prejudice the

facts of the cases, nor have I any desire to shield any American vessel

from the consequences of violation of

international obligation. The views I

advance may prove not to be ap-plicable in every feature to those particular cases, and I should be glad if no case whatever were to arise call-

ing in question the good understanding of the two countries in this regard,

infraction of the fishing laws of the British Provinces, but it is equally necessary that ordinary commercial intercourse should not be interrupted

exist they will be found to be so min-

trade regulations now existing be-

West concerning the continued de-tention of the schooner Adams. He

refers to the unrestrained and, what

appears to him, unwarranted, irregular and severe action of Canadian

officials toward American vessels, and

their apparent disposition to use the

most extreme and technical reasons

for interference with vessels not en-gated in or intended for inshors fish-

the offense of fishing has been committed and the vessel itself captured within three miles of land. In regard

to the necessity for the instant impo-

sition of such restrictions upon the ar-

rest of vessels, you will, I believe.

agree with me, and I will therefore

taken as shall cause such orders to be

forthwith put in force under the au-

thority of Her Majesty's govern-

On May 22d Secretary Bayard wrote to Minister West: "I have telegraphed

seizures be suspended without preju-dies to the legal results pending an authoritative treatment of the main

alone the issues are cognizable. A

frank and friendly spirit has been ex-

hibited by both governments in ab-staining from any demonstration of

ask you to procure such steps to be

the ports of the United States.

government to touch and trade at

On May 29th Secretary BAYARD WROTE TO MINISTER WEST

reply made to this letter.

ister of Foreign Affairs was the only

"Sig-I have just received an official imprint of House of Commons bill No. 136, now pending in the Ca-nedian Parliament, entitled 'An act further to amend the act respecting under a supposed delegation of jurisfishing by foreign vessel-, and am informed that it has passed the House include authority to interpret and enforce the provisions of the treaty of 1818, to which the United States and and is now pending in the Senate. This bill proposed the forcible search, Great Britain are the contracting par-ties, who can alone deal reasonably with questions arising thereunder. The effect of this c louis legislation seizure and forfeiture of any foreign vessels within any harbor in Canada, or hovering within three marine miles of any of the cousts, bays, creeks or harbors in Canada, where such years I has entered such waters for any pur-pose not permitted by the laws of na and executive interpretation, if executed according to the letter, would be not only to expand the rest ictions recunciations of the treaty of tions, or by treaty or convention, or by any law of the United Kingdom or of Canada now in force.

"I hasten to draw your attention to 1818, which relates solely to inshore so as to effect the deep sea ficheries,

the wholly unwarranted proposition of the Canadian authorities, through their local agents, arbitrarily to entheir local agents, arbitrarily to enforce, according to their own construction, the provisions of any convention between the United States and Great Britain, and by the interpolation of language not found in any such treaty and by interpretation not claimed or concided by either party to such treaty, to invide and destroy the commercial rights and privileges of citizens of the United States under and by virtue of treaty stipulation. and be virtue of treaty stipulation with Great Britain and statutes in that behalf made and provided.

passed wholly inte disuse, the reasons which may have formerly existed for refusing to permit American fishermen to catch or procure bait within the line of a marine league from the shore, lest they should also use it in the same inhabited waters for the purbehalf made and provided.

"I have also been furnished with a copy of circular No. 371, purporting to be from the Customs Department at Ottawa, dated May 7, 1883, and to be signed by J. Johnson, Commissioner of Customs, assuming to execute the provisions of the treaty between the United States and Great Britain concluded October 20, 1818, and print d copies of a 'warning' purporting to be issued by Genree E. F. ster, Minister of Marine and Fisheries, dated at Ottawa March 5, 1886, of a similar tenor, although canable of unequal results in its execution. in its execution.

"Such proceedings I conceive to be flagrantly violative of the reciprocal commercial privileges to which citi-zens of the United States are lawfully entitled under the statutes of Great Britain and the well defined and publicly proclaimed authority of both countries, besides being in respect of the existing conventions between the two countries an assumption of juristwo countries an anumption of jurisdiction entirely unwarranted and which is wholly denied by the United States. In the interest of the maintenance of peaceful and friendly relations I give you my earliest information on this subject, adding that I have telegraphed Mr Phelps, our Minister at London, to make earnest protes to Her Majesty's government against such arbitrary, unlawful, unwarranted and unfriendly action on the part of the Canadian Government and its officials, and have instructed Mr. Paelp cials, and have instructed Mr. Paelp to give notice that the Government of Great Britain will be held liable for all losses and injuries to citizens of the United States and their property caused by the unsuthorized and un-friendly action of the Canadian officials to which I have referred. Your

in order to be free from the grave apobedient servant, T. F. BAYARD." On June 7th the Secretary protests to Minister West against the seizure at St. Andrews, N. S., of the Annie M. Jordan, "as withholding of legal commercial privileges from an Ameri-can vessel" and notified the Minister under that convention to become ob-

GREAT BRITAIN WILL BE HELD RESPON-SIBLE for the loss and damage sustained by

the owner. conduct all discussion in this regard with dignity and in a self respecting spirit that will show i self intent upon On July 10th, the Secretary writes to Minister West, informing him of the refusal of the Canadian authorities securing equal justice rather than unto allow American versels to obtain ice and to ship fish in bond to the equal advantage." * Every-thing will be done by the United United States at Picton, N S., and to cause their citizens engaged concludes as follows: "Against this in fishing to conform to the obliga-

treatment I MUST INSTANTLY AND FORMALLY PROTEST

as an unwarranted interpretation intercourse should not be interrupted by harsh measures and unfriendly administration. I have the honor, there and the province of Nova Scolia, as fore, to invite a frank expression of an infraction of the laws of commeryour views upon the subject, believ- cial and maritime relations existing between the two countries, and

ing that should any differences of opinion or disagreement as to facts AS A VIOLATION OF HOSPITALITY imized that an accord can be estab-lished for the full protection of the inshore fisheries of the British Prov-inces without obstructing the open sea fishing operations of the citizens of the United States or disturbing the and for any loss or injury resulting therefrom, the government of Her British Majesty will be held responsible. Under date of July 23d Errl Reserbery writes to Minister West, active to become chronic, inknowledging the receipt of a dispatch from the Minister inclosing a copy of a note addressed to him by Secretary Bayard, referring to the seizure of the Joseph Story and David J Adams.

tween the countries."
On May 20, 1836, Secretary Bayard addressed a s-cond letter to Min ster The Earl incloses a copy of an approved report of the Canadian Privy Council justifying the course of Canada in the matter, and states that Her Maj-sty's government entirely concur in that passage of the report in which it is observed that "if the provisions of the convention of 1818 have become inconvenient to either contracting party the utmost that good will and fair dealing can suggest is that the terms shall be reconsidered."

THE COMMUNICATION CLOSES AS FOL-LOWS:

ing on their coast, and relates at considerable length the circumstances connected with the seizure of the Adams. He concludes the letter as "It is surely not unreasonable that Canada should insist on the rights se-cured to her by treaty. She is sim-ply acting on the defensive, and no trouble can arise between the two ing the urgent and essential importance of restricting all arrests of American fishing vessels for supposed or alleged violations of the convention of 1818 with the limitations and conditions laid down by the authorities of Great Britain in 1870, namely: That no vessel shall be seized utless it is evident and can be clearly proved that ers and from visiting her bays and the offense of fishing has been com-"I trust you will join me in realizharbors for any purpose save those specified in the treaty. The undersigned would express the hope that the discussion which has arisen on this question may lead to renewed negotiations between Great Britain and the United States, and may have the result of establishing extended trade relations between the Republic and Canada, and of removing all sources of irritation between the two coun-

Inclosed in Earl Rasebery's communication is also an extract from a letter f om the Marquis of Lands downe to Earl Granville in which he Baya:

"that the Dominion Government is seeking by its action in this matter to invade and destroy the commercial rights and privileges secured to citi-sens of the United States under and by virtue of treaty stipulations with Great Britain is not warranted by the facis of the case. No attempt has been made either by the authorities intrusted with the enforcement of the existing law, or by the Parliament of the Dominion to interfere with vessels engaged in bona fide commercial transactions upon the coast of the Domin-

staining from any demonstration of Under dates of August 9 h. 17th and navai forces in Provincial waters, and 18 h and September 20th Secretary it is desirable that this should be continued, as it * 100 h and 18 h and September 20th Secretary Bayard complains of violation of treaty stipulations of the Canadian authori-

pressiveness of any settlement we may | ties toward the vessels Ratiler, Golden arrive at." A simple acknowledgment of the receipt of this communication and notice of its reference to the Min-

VIOLATIONS WERE DISTINCTLY US-FRIENDLY

and contrary to humane usuages of civilized nations, and in the case of the Jane Ellen and Shiloh he asserts that the firing of gans across their

bows was a most unusual and uncalled for exhibition of hostilly. Under date of October 18th Secretary Bayard, after detailing to Minis-ter West the circumstances of the seizure of the Everett Steele, says: "If, as I cannot permit myself to be-lieve, Great Britain should refuse to citizens of the United States the en-joyment of the plainest and most undeniable rights, the consequences would be so serious that they cannot be contemplated by this government

but with great concern."
Under date of November 6 h S cre-Under date of Navember 6 h S cre-tary Bayard advises Minister Preips of the seizure of the Marion Grimes and the enforced lowering of the American fize by Capt. Quigley, of the Canadian cruiser Terror. In commenting upon this case, the Secretary says: "It seems hardly neces ary to say that it is not until after condemnation by a Price Court

after condemnation by a Prize Court

THE NATIONAL FLAG OF A VESSEL SEIZED as a prize of war is hauled down by her captor. But, a fortiori, is this principle to apply in cases of customs eizures where fines only are imposed, and where no belligerency whatever exists? In the port of New York and other of the countless harbors of the United States are merchant venels today flying the British flig, which from time to time are liable to penalties for violations of customs laws and regulations. But I have yet to learn that any official, assuming directly or in-directly to represent the United States, would under such circum-stances order down or forcibly haul down the British flig from a vessel charged with such irregularity, and I now assert that if such acts were com-mitted this government, after being informed of it, would not wait for a complaint from Great Britain, but would at once promptly reprimend the parties concerned in such misconduct, and would cause proper expression of regret to be made."

Under date of June 27th, Minister

Phelps addressed a communication to the Earl of Rosebery, protesting in the name of the United States Goveroment against the seigures made by the Canadians as wholly unwarranted by the treaty of 1818, requesting the release of the vessels and informing him that the United States would hold Her Majesty's government re-sponsible for all losses sustained by American citiz ms growing out of the

THE QUESTION NOW IS. says Minister Phelps, not what fresh treaty may or might be desir ble, but what is the true and just construction, as between the two nations, of the trealy that already exists. The Gov-ernment of the United S stes, approaching this question in the most friendly spirit, cannot doubt that it will be met by Her Majesty's government in the same spirit, and feels every confidence that the action of Her Majesty's government in the pramises will be such as to maintain the cordial relations between the two countries that have so long and happily prevailed. The correspondence closes with a letter from Minister Phe'ps to Earl R sebery, in which he combate the position taken by the Earl that Her Majesty's g vernment cannot take action in the matter of the se'zures because the Canadian courts are considering all the cases in dispute. Mr. Phe ps maintains that the United States must look to the home government for redress and atisfiction and such instructions to the colonial authorities as will prevent future se sures. He suggests a means of preventing further collisions between the American fishermen and Canadian officials that an ad interim construction of the terms of the existing treaty be reached by mutual consent, to be carried out informally until a more permanent understand-

Day and Night

ing be reached.

During an acute attack of Bronchitis a ceaseless tickling in the throat, and an exhausting, dry, hacking cough, afflict the sufferer. Sleep is banished, and great prostration follows. This disease is also attended with Hoarsevolve the lungs, and terminate fatally. Ayer's Cherry Pectoral affords speedy relief and cure in cases of Bronchitis. It controls the disposition to cough, and induces refreshing sleep.

I have been a practicing physician for twenty four years, and, for the past twelve, have suffered from annual attacks of Bron-chitis. After exhausting all the usual reme-dies Without Belief.

I tried Ayer's Cherry Pectoral. It helped ne immediately, and effected a speedy cure. —G. Stoveall, M.D., Carrollton, Miss. Ayer's Cherry Pecteral is decidedly the best remedy, within my knowledge, for chronic Bronchitis, and sill lung diseases.—M. A. Rust, M.D., South Paris, Me. I was stacked tast winter, with a severe Cold, which, from exposure, grew worse, and finally rettled on my Lungs. By night swests I was reduced almost to skeleton. My Cough was incessent, and I frequently splt blood. My physician told meto give up business, or I would not live a month. After taking various remedies without relief. I was finally.

Cured By Using two bottles of Ayer's Cherry Pactoral. I am now in perfect health, and able to resume business, after having been pronounced in-curable with Consumption.—S. P. Hender-son, Saulsburgh, Penn.

Salesburgh, Penn.

For years I was in a decline. I had weak lungs, and suffered from Bronchitis and Catarrh. Ayer's Cherry Pectoral reiored me to health, and I have been for a long time comparatively vigorous. In case of a sudden cold I always resort to the Pectoral, and find speedy relief. Edward E. Cartis, Ruthand, Vermont.

Two years ago I suffered from a severe Bronchitis. The physician attending me became fearful that the disease would terminate in Pneumonia. After trying various medicines without berefit, he finally prescribed Ayer's Cherry Pactoral, which relieved me at once. I continued to take this medicine a short lime, and was cured.

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Dil T. A. HLOCOM, 181 Peacl St., New York.

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B. F. Garrett.

U NDBR the authority vested in me as the Chairman of the Quarterly County Courted Shelby, and by vestue of said office Trustee of the estate of W. ft. Beitoc, deceased, as appears of record in Reck 165, rage 119, etc., of the Register's files of Shelby County, Tenn., I will, as and Trustee, an Munday, Recember 20, 1856.

at 12 o'clo k m., on the nuthwast corremand and Madison streets, in the a Memphis. Tenn., after for sale, cuttary, and cell to the highest and to der, the following described real constents. The property known as "The New Kent mot Kaimes" Plantations, c taining, by stimation, 2240 11-12 acres, to in Fayette county, Tenn., about two mile. '. E of the

and Kaimes. 200 1-12 acres, 1-2 in Fapette county, Tenn., about two mile. Rof the town of Rivasville, on the Michael Charleston Hallroad, about 32 ml. and Charleston Hallroad, about 32 ml. in one body, and are described as in one body, and are described as vire. Ist—all of section six, in ... and on, range three west of the basts of a section, and is Assentially and the section of the section

County Quarterly Court.

Also, a tract of 100 acres, lying in Fayette county, Tenn., about three miles north et Somerville, beginning at the N. W. corner of the original tract bought of James E. Pola by Burrus Carter; thence south 91 3-7 poles to a stake in the District line road; thence east 175 poles to a stake with black-o k and black gum pointers; thence north 91 3-7 poles to a stake in the corner of O. B. Carter's and J. R. Mosby's line; thence west 175 poles to the beginning, and known as the "Mosby Tract."

All of said lands are well improved and in a fine state of cultivation.

Terms of Sale: One-fourth cash, balance in one, two, three and four years, with interest from date, and secured by trust deed on said lands.

D. C. c. LAUGHTER.
Chairman and Trustee of Estate of W. R.
Bolton.

R. D. Jordan, Attorney. County Quarterly Court.

R. D. Jordan, Attorney. HEADQUARTERS FOR

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Where ting:
Where As, It has been made known to me that Sam Bruce (c), charged with having committed marder on the hady of Rosch Cakler on the day of October, 1886, in our county of Shatoy, find from justice

in our county of Shaloy, find from justices and now running at large;
Now, therefore, I, Win. B. Bate. Governor as aforesaid, by vir ue of the power and anthority in me vester, do hurely offer a reward of two hundred and fity dollars to any parson or persons who may appeared the said Sam Bruce (d), and deliver him to the shariff or latter of our county of Sheftey, in order that instee in that tehal! may be had and executed. This reward is oxyable, half on delivery to shariff and half on conviction. SAM BRUCE, wanted for killing Roach

SAM BRUCE, wanted for killing Roach Oakley, is 5 net 9 lockes high, heavy set, broad shoulders, southne obsered man, large features, keen black eyes; had Burnaide whiskers, mustache ranning back to whiskers, mustache ranning back to whisters boasting disposition; hele ture out more than ordinarily in walking, ifaily irom Morgan Point, near Georgia, Art., and more recently from Bell's suwmit, near Lakeview, in Tennessee.

In Testimony Whereot, I have bereauto set my hand, and caused the Greatiesi of the State to be affixed, at Nashvills, on the 9th ds of November, 1886.

By the Governor.

By the Governor.

John Allison, Secretary of State John Allison, Secretary of Natis

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